

# NDAА RESOLUTION FOR PENNSYLVANIA CITY COUNCILS

**From: Patriot Coalition National Director Jeff Lewis & Oath Keepers founder Stewart Rhodes.**

The below draft resolution was prepared by Mr. Stewart Rhodes, Founder of Oath Keepers ([oathkeepers.org](http://oathkeepers.org)) a Yale Law Graduate who specializes in the application of military law to civilians, Mr. Richard D. Fry, a constitutional law attorney and General Counsel for Patriot Coalition ([patriotcoalition.com](http://patriotcoalition.com)), and Jeff Lewis, Patriot Coalition National Director. Legislators who choose to endorse or adopt this (Patriot Coalition / Oath Keepers) **“P.C./O.K. NDAА RESOLUTION”** are requested to notify Stewart and Richard of your intent, and to identify it as such in any accompanying public statements or press releases.

**Watch “NDAА Weeds and Under the Rocks,”** a tutorial video which explains the “indefinite detention” provisions of the 2012 NDAА, clause by clause, at the Patriot Coalition’s Livestream Channel here: <http://livestream.com/WRCG>. Contact us: [Solutions@theintolerableacts.org](mailto:Solutions@theintolerableacts.org).

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*It is also not entirely unworthy of observation that, in declaring what shall be the supreme law of the land, the Constitution itself is first mentioned, and not the laws of the United States generally, but those only which shall be made in pursuance of the Constitution, have that rank. –U.S. Supreme Court Chief Justice Marshall (Marbury v. Madison 1803)*

# RESOLUTION OF THE SUNBURY CITY COUNCIL

## STANDING IN OPPOSITION TO THE PROVISIONS IN THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012 WHICH AUTHORIZE MILITARY DETENTION AND TRIAL OF U.S. CITIZENS AND LAWFUL RESIDENTS IN DIRECT VIOLATION OF THE UNITED STATES CONSTITUTION AND THE CONSTITUTION OF PENNSYLVANIA.

**WHEREAS**, on Dec. 31, 2011, President Barack Obama signed the Conference Report to House of Representative Bill H.R. 1540, the National Defense Authorization Act (NDAA), into law,

**WHEREAS**, the NDAA contains provisions repugnant to, and destructive of, the constitutions and Bill of Rights of the United States of America, and this state, directly violating the U.S. Constitution's Article III, Section 2, Clause 3 [Trial by jury of all crimes except impeachment], Article III, Section 3 [Treason Clause], Article IV, Section 4 [guarantee of a Republican Form of government] the 4<sup>th</sup> Amendment [Protection against unreasonable search and seizure] 5<sup>th</sup> Amendment [Right to grand jury indictment and due process], 6<sup>th</sup> Amendment [Right to speedy and public trial], 8<sup>th</sup> Amendment [Protection against cruel and unusual punishments], and 14<sup>th</sup> Amendment [Equal protection], as well as infringes on the entirety of the Bill of Rights and basic structure of the Constitution, making *We the People* insecure in the exercise of any of our Rights and Powers.

**WHEREAS**, the United States Constitution and the constitution of this state are infringed and/or usurped by provisions in the NDAA which authorize the application of: military force (including assassination), indefinite military detention without trial, military trial, and rendition to foreign countries and entities of any person, including American citizens and lawful resident aliens, at the discretion of the President or a subordinate within the Department of Defense,

**WHEREAS**, granting the President the authority he would have over a foreign enemy on a "battlefield" for use against the American people is unconstitutional and a violation of the federal government's duty of allegiance to protect U.S. citizens anywhere in the world,

**WHEREAS**, *"Any person having knowledge of any treasonable project is bound to disclose it to the President, or to a United States judge, or to a Governor of a State or a State judge, or he is guilty of misprision of treason, and may be fined one thousand dollars and imprisoned for seven years."*

(Treatise on Law of the American Rebellion, [page 20, Gard. Inst., 326; 1 U.S. St. L. 112, 119.](#))

**WHEREAS**, pursuant to the Oath of Office, all state and federal legislative, judicial and executive officers are sworn to protect and defend the U.S. Constitution from all enemies foreign and domestic,

**WHEREAS**, laws not passed in "pursuance" of the Constitution are null and void from their inception,

**WHEREAS**, the above noted injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these states, are nearly identical to many of the long train of abuses and usurpations that compelled our forefathers to take up arms and to separate from Great Britain, as enumerated in *The unanimous Declaration of the thirteen united States of America*, of July 4, 1776.

**WHEREAS**, Federal Judge Katherine Forrest has ruled Section 1021 of the 2012 NDAA [unconstitutional](#),

**WHEREAS**, the 2012 National Defense Authorization Act (NDAA) violates numerous provisions of the Constitution of the United States and the Constitution of Pennsylvania, including, but not limited to, the following:

**U.S. Constitution, Article I, Section 9, Clause 2**

**U.S. Constitution, Article II, Section I, Clause 8**

**U.S. Constitution, Article III, Section 2, Clause 3**

**U.S. Constitution, Article III, Section 3**

**U.S. Constitution, Article VI, Clause 2**

**U.S. Constitution, 1st Amendment**

**U.S. Constitution, 4<sup>th</sup> Amendment**

**U.S. Constitution, 5th Amendment**

**U.S. Constitution, 6th Amendment**

**U.S. Constitution, 8th Amendment**

**U.S. Constitution, 9th Amendment**

**U.S. Constitution, 10<sup>th</sup> Amendment**

**U.S. Constitution, 14th Amendment, Section 1**

**Pennsylvania Declaration of Rights, Article I, Section 1**

**Pennsylvania Declaration of Rights, Article I, Section 6**

**Pennsylvania Declaration of Rights, Article I, Section 8**

**Pennsylvania Declaration of Rights, Article I, Section 9**

**Pennsylvania Declaration of Rights, Article I, Section 13**

**Pennsylvania Declaration of Rights, Article I, Section 14**

*“In matters of power, let no more be heard of the confidence in man, but bind them down from mischief with the chains of the Constitution.”*

*- Thomas Jefferson*

**THEREFORE, BE IT RESOLVED,**

For the above and forgoing reasons, the City of Sunbury, within the County of Northumberland, Pennsylvania expresses its belief that the NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012 (NDAA) is unconstitutional in authorizing the President to use war powers, the “law of war,” and/or martial law in the United States and its territories over any person, including citizens or lawful resident aliens of the United States not in the military forces, and over citizens or lawful resident aliens of the United States, who are not in the military forces, anywhere in the world.

**FURTHER**, the Sunbury City Council expresses its sense that all provisions of the NDAA which are unconstitutional, including as noted herein above, were and are null and void from their inception and are not enforceable in this city, and it is the express policy of Sunbury City Council that no officer, employee, or agent of the city will implement, enforce or otherwise support, directly or indirectly, any of the above noted unconstitutional provisions, and that a violation of such policy will be deemed a violation of their oath of office and employment agreement, and will subject them to disciplinary action up to and including termination.

**FURTHER**, the Sunbury City Council recognizes its duty to interpose itself between unconstitutional usurpations by the federal government or its agents and the people of this city, as well as the duty to defend the unalienable natural rights of the people, all of which is consistent with the 9<sup>th</sup> and 10<sup>th</sup> Amendments to the Constitution of the United States, and with our oaths to defend the Constitution of the United States and the constitution of this state against all enemies, foreign and domestic.

**FURTHER**, the Sunbury City Council directs the Congressional delegation of this city to commence immediately efforts to repeal the unconstitutional sections of the NDAA, to-wit, sections 1021 and 1022, and any other section or provision which will have the same or substantially the same effect on the United States, its citizens, and lawful resident aliens.

**FURTHER**, the Sunbury City Council directs the Congressional delegation to introduce, support, and secure the passage of legislation which clearly states that Congress not only does not authorize, but in fact prohibits the use of military force, military detention, military trial, rendition, or any other power of the “law of war” against U.S. citizens and lawful resident aliens.

**BE IT FURTHER RESOLVED**, within ten (10) days from the passage hereof, a certified copy of this resolution shall be mailed, via certified mail with a return receipt, to each and every member of this state’s Congressional delegation by the [whomever it's their responsibility to send such documents], and, in compliance with federal law regarding acts of “*misprision of treason*,” (page 20, Gard. Inst., 326; 1 U.S. St. L. 112, 119.), to the governor and Supreme Court Chief Justice of this state to effect notification of a possible “conspiracy against the United States,” to wit: the attempt by Congress and the President to arbitrarily and indefinitely suspend of the Bill of Rights outside the requirement of an invasion or rebellion as required by U.S. Constitution, Article I, Section 9, Clause 3, which states: “The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.” and by subjecting the American people to the “law of war,” including military force, detention, and trial, and/or the institution of martial law, rather than under the laws of the United States, pursuant to the detention and trial requirements of U.S. Constitution, Article III, and of the Fourth, Fifth, Sixth, and Eighth Amendments.

**BE IT FURTHER RESOLVED**, the Sunbury City Council, recognizing its oath-bound duty to defend the Constitution of the United States and the constitution of this state, to secure the people’s unalienable natural rights to “Life, Liberty, and the pursuit of Happiness,” as alliterated in the Declaration of Independence of July 4, 1776, adopts this resolution, this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

## REFERENCES AND SOURCE DOCUMENTS

Pennsylvania NDAA Resolutions and Legislation for State Legislators, County Commissions, etc...

<http://theintolerableacts.org/NDAA/RES/STATE/OH/>

HR1540 Conference Report as Approved by the United States Congress

<http://www.gpo.gov/fdsys/pkg/CREC-2011-12-12/pdf/CREC-2011-12-12-pt1-PgH8356-5.pdf>

Alternate source: <http://patriotcoalition.com/docs/HR1540conf.pdf>

Authorization of Use of Military Force (See bottom of page 6 for final version as signed into law.)

<http://patriotcoalition.com/docs/Authorization-of-Use-of-Military-Force.pdf>

President Obama's Signing Statement: Dec. 31, 2011

<http://www.whitehouse.gov/the-press-office/2011/12/31/statement-president-hr-1540>

Declaration of Independence: (See Freedom Documents tab)

[http://nccs.net/freedom\\_defined/index.htm?const.html&2](http://nccs.net/freedom_defined/index.htm?const.html&2)

Constitution of the United States of America: (See Freedom Documents tab)

[http://www.nccs.net/freedom\\_defined/index.htm?const.html&2](http://www.nccs.net/freedom_defined/index.htm?const.html&2)

Constitution of the Commonwealth of Pennsylvania

<http://www.duq.edu/law/pa-constitution/constitutions/current.cfm>

House Voting Record for final version of 2012 NADA

<http://clerk.house.gov/evs/2011/roll932.xml>

Senate Voting Record for final version of 2012 NADA

[http://www.senate.gov/legislative/LIS/roll\\_call\\_lists/roll\\_call\\_vote\\_cfm.cfm?congress=112&session=1&vote=00230](http://www.senate.gov/legislative/LIS/roll_call_lists/roll_call_vote_cfm.cfm?congress=112&session=1&vote=00230)

2012 NDAA, SECTIONS: 1021, 1022, 1023

[http://patriotcoalition.com/docs/NDAA FOR FISCAL YEAR 2012 \(1021-1022-1023\).doc](http://patriotcoalition.com/docs/NDAA FOR FISCAL YEAR 2012 (1021-1022-1023).doc)

Judge Katherine Forrest places permanent injunction against NDAA in Hedges v. Obama

<http://theintolerableacts.org/docs/Hedges-v-Obama-Permanent-Injunction.pdf>

